

## **COUNTY OF YORK MEMORANDUM**

**DATE:** February 28, 2001 (BOS Mtg. 03/20/01)

**TO:** York County Board of Supervisors

**FROM:** James E. Barnett, County Attorney

**SUBJECT:** Vacation of Drainage and Utility Easement—Tabb Lakes Office  
Development—Hundley Drive

Attached is a memorandum from Brian K. Woodward, Chief of the Utilities Division of Environmental and Development Services, requesting that the Board vacate an existing drainage and utility easement on a parcel of property which is proposed to be developed for office space. A copy of the developer's request for the vacation is also attached, as well as an easement plat showing not only the easement which is proposed to be vacated, but a substitute utility easement that is to be dedicated in its place.

Because the easement was originally dedicated by virtue of an approved subdivision plat, Code of Virginia § 15.2-2272 states that the Board must act by ordinance, rather than by resolution, in authorizing the execution of an easement vacation deed, and this matter has been accordingly advertised for a public hearing for the adoption of an ordinance.

Based on the staff's recommendation for the vacation of the easement, I recommend the adoption of attached Ord. No. 01-2 which will authorize the County Administrator to execute an appropriate easement vacation deed.

Barnett/3340:mrc

Attachments

- Memorandum from Brian K. Woodward, Chief of Utilities
- Letter of request of 2/6/01 from Tabb Lakes, Ltd.
- Subject plat
- Ord. No. 01-2